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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,061	08/29/2001	Bobby Hu	CFP-1080CA	8157
23595	7590	04/29/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			SHAKERI, HADI	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/942,061

Applicant(s)

HU, BOBBY

Examiner

Hadi Shakeri

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-25, 40, 41 and 57-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-25, 40, 41 and 57-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 110804;092004;091604;090204;090104;083004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

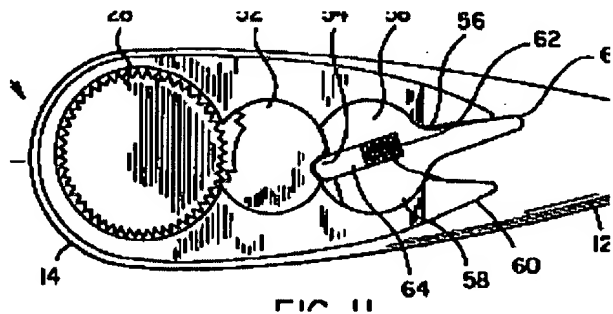
**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-23, 41 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaconas (6,161,454) in view of either Rozmus (3,490,317) or Kress (1,957,462).

Chaconas discloses all the limitations of claim 21, i.e., a handle; a head extended from the handle; a drive member (28) rotatably mounted in the head, with the drive member including a plurality of teeth formed on an outer



periphery thereof; a pawl (32) including a first side with a plurality of ratchet teeth (34) for releasably engaging with the teeth of the drive member, with the pawl further including a second side with a recess (Fig. 11); a rotatable switch member (38) including a turn-piece (46) for manual operation and an actuating plate (40) extended from the turn-piece, the switch member being switchable between two positions for changing ratcheting direction of the drive member, with the actuating plate of the switch member including a first receptacle (defined by legs 40) that faces the recess of the pawl and that has a first end wall; an elastic element (42); and a peg (64), with the peg having a first end movably received in the recess of the pawl and a second end, with the second end of the peg being received in the first receptacle, with the peg and the elastic member being rotatable with the actuating plate and biasing the ratchet teeth of the pawl to engage with the teeth of the drive member, except for the peg to include a second receptacle

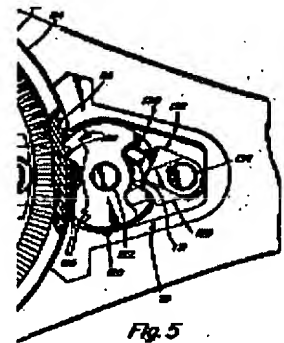
Art Unit: 3723

with a second end wall, with the elastic element located in the first and second receptacles between the first end wall and the second end wall. Rozmus and Kress each teaches a spring loaded plunger in which the peg or the plunger has a receptacle accommodating the spring. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of anyone of Chaconas with the spring loaded plunger as taught by either Rozmus or Kress for ease of assembly.

Regarding claims 22, 23, 41 and 57-59, Chaconas as modified by either Rozmus or Kress meets the limitations, i.e., (31); (30); plate extending parallel to the axis of rotation, i.e., a direction defining its thickness; receptacle being defined within the peg; web having a cavity (22) having walls against which pawl engages at each driving position.

3. Claims 21, 22, 41 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fosella (5,076,121) in view of either Rozmus or Kress.

Fosella discloses all the limitations of claim 21, i.e., a handle; a head extended from the handle; a drive member (26) rotatably mounted in the head, with the drive member including a plurality of teeth formed on an outer periphery thereof (86); a pawl (120) including a first side with a plurality of ratchet teeth (124) for releasably engaging with the teeth of the drive member, with the pawl further including a second side with a recess (131); a rotatable switch member (128, 132, 134) including a turn-piece (132) for manual operation and an actuating plate (128) extended from the turn-piece, the switch member being switchable between two positions for changing ratcheting direction of the drive member, with the actuating plate of the switch member including a first receptacle (accommodating plunger 130) that faces the recess of the pawl and that has a first end wall; an elastic element (spring in the spring



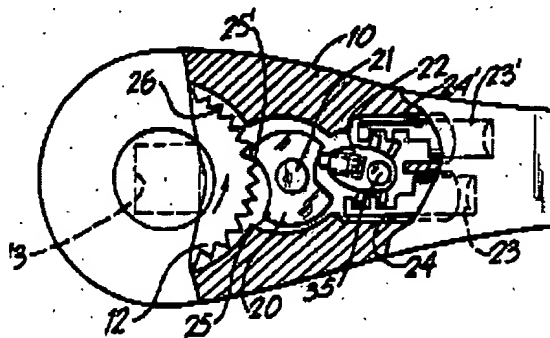
Art Unit: 3723

loaded plunger 130); and a peg (plunger 130), with the peg having a first end movably received in the recess of the pawl and a second end, with the second end of the peg being received in the first receptacle, with the peg and the elastic member being rotatable with the actuating plate and biasing the ratchet teeth of the pawl to engage with the teeth of the drive member, except for the peg to include a second receptacle with a second end wall, with the elastic element located in the first and second receptacles between the first end wall and the second end wall. Rozmus and Kress each teaches a spring loaded plunger in which the peg or the plunger has a receptacle accommodating the spring. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of anyone of Fosella with the spring loaded plunger as taught by either Rozmus or Kress for ease of assembly.

Regarding claims 22, 41 and 57-59, Fosella as modified by either Rozmus or Kress meets the limitations, i.e., (Fig. 3); plate extending parallel to the axis of rotation, i.e., a direction defining its thickness; receptacle being defined within the peg; web having a cavity (accommodating pawl 120) having walls against which pawl engages at each driving position.

4. Claims 21, 23, 24, 41 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deibert (4,336,728) in view Chaconas and Fosella and further in view of either Rozmus or Kress.

Deibert discloses all the limitations of claim 21, i.e., a handle; a head extended from the handle; a drive member (12) rotatably mounted in the head, with the drive member including a plurality of teeth formed on an outer periphery thereof (26); a pawl (20) including a first side with a ratchet tooth (25) for releasably engaging with the teeth of the drive member, with the pawl further including a



Art Unit: 3723

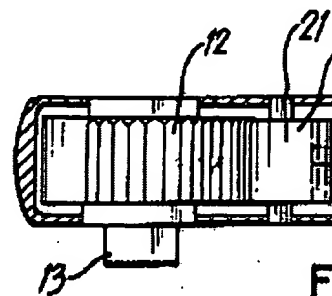
second side with a recess (26); a rotatable switch member (22, 23) including a turn-piece (23) for manual operation and an actuating plate (22) extended from the turn-piece, the switch member being switchable between two positions for changing ratcheting direction of the drive member, with the actuating plate of the switch member including a first receptacle (32) that faces the recess of the pawl and that has a first end wall; an elastic element (31); and a peg (30), with the peg having a first end movably received in the recess of the pawl and a second end, with the second end of the peg being received in the first receptacle, with the peg and the elastic member being rotatable with the actuating plate and biasing the ratchet teeth of the pawl to engage with the teeth of the drive member, except for pawl having a plurality of engaging teeth and for the peg to include a second receptacle with a second end wall, with the elastic element located in the first and second receptacles between the first end wall and the second end wall. Deibert discloses a crescent shaped pawl having a plurality of teeth (25, 25') with only one ratcheting tooth, however, modifying such pawls with pawls having at least two teeth as evident or taught by Chaconas and Fosella for enhanced engagement is considered well within the knowledge of one of ordinary skill in the art. Rozmus and Kress each, teaches a spring loaded plunger in which the peg or the plunger has a receptacle accommodating the spring. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Deibert with the spring loaded plunger as taught by either Rozmus or Kress for ease of assembly.

Regarding claims 23, 24, 41 and 57-59, Deibert as modified by either Rozmus or Kress meets the limitations, i.e., (Fig. 3); plate extending parallel to the axis of rotation, i.e., a direction defining its thickness; receptacle being defined within the peg; web having a cavity (accommodating pawl 20) having walls against which pawl engages at each driving position.

Art Unit: 3723

5. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior art (Chaconas or Fosella further modified in view of either Kress or Rozmus) as applied to claim 21 above, further in view of Deibert.

Prior art as applied to claim 21 in sections 2 and 3 above, meets all the limitations of claim 23, except for the drive member to be a column for engaging sockets. Deibert teaches a ratchet wrench with a drive column for driving sockets. It would have been

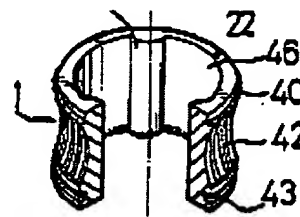


obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified tool of prior art with a gear wheel as taught by Deibert to adapt the tool for driving sockets.

Regarding claim 24, PA further modified by Deibert meets the limitations, i.e., stub rotatably received in the opening.

6. Claims 22, 25, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior art (Fosella or modified Deibert further modified in view of either Kress or Rozmus) as applied to claim 21 above, further in view of Chow.

Prior art as applied to claim 21 in sections 3 and 4 above, meets all the limitations of claim 22, except for the drive member to be a recessed gear wheel. Chow teaches a ratchet wrench with a recessed



gear wheel. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified tool of prior art with a gear wheel as taught by Chow to adapt the tool for with a recessed gear wheel for engaging with the like fasteners.

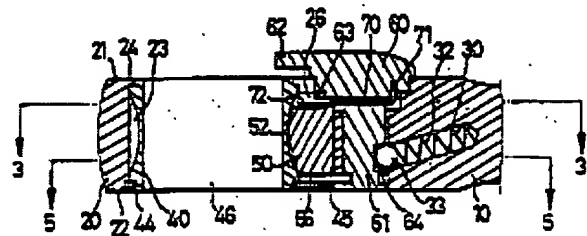
Regarding claim 25, PA meets the limitations, i.e., first annular groove (28), a second annular groove (43), and a C-clip (44).

Regarding claim 40, PA meets the limitations.

Art Unit: 3723

7. Claims 25 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior art (Chaconas modified in view of either Kress or Rozmus) as applied to claim 21 above, further in view of Chow, US Patent No. 5,533,427.

Chaconas modified in view of either Kress or Rozmus meets all the limitations of claim 25, except for disclosing C-clip retaining means for securing the drive means. Chow teaches ratchet wrenches



structured for engaging fasteners and including C-clip retaining means. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified tool of prior art with the retaining means as taught by Chow as a simple, economical retaining means for a recessed gear wheel for engaging with like fasteners.

### **Conclusion**

8. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Kamiya et al. is cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hadi Shakeri', is written in a cursive style.

Hadi Shakeri  
Primary Examiner  
Art Unit 3723  
April 26, 2005